



Appeal Decision

Site visit made on 10 January 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/G4240/Z/24/3347707

229 Stamford Street, Ashton under Lyne OL6 7NQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Richard Page of Wildstone Group Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 23/00605/ADV.
 - The advertisement proposed is conversion of existing advertising site to a D-Poster digital display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary to consult the main parties on the amendments to the Framework.
3. The Advertisements Regulations require that decisions are made only in the interest of amenity and public safety. Therefore, whilst I have taken into account the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
4. The appeal site is within the Ashton Town Centre Conservation Area (the CA) and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issues

5. The main issues are the effect of the proposal on:
 - the visual amenity of the area, including whether or not it would preserve or enhance the character or appearance of the CA;
 - the living conditions of neighbouring occupiers at No. 227 Stamford Street Central; and
 - public safety as it relates to highway safety for road users.

Reasons

Visual amenity

6. The existing, free-standing, externally illuminated advertisement hoarding is located on a grassed verge at the highway junction where Stamford Street Central joins Cavendish Street (A627). The surrounding context is largely commercial, with interspersed residential uses, and signs and adverts are therefore relatively common. Nevertheless, save for the existing advertisement hoarding on the appeal site, existing signage predominantly relates to the building upon which they are situated, and digital display advertisements are not a feature of the area.
7. The Aston-under-Lyne Town Centre Strategy Supplementary Planning Document states that the site is located within the Old Town Quarter of the CA, which is the historic quarter of the town centre. From the evidence before me, and from what I saw on site, the significance of this part of the CA in part derives from its well-defined grid layout and the historic architecture, particularly along Stamford Street Central. These features are key to the quarter's historic character as the former retail heart of Ashton, and the straight alignment of the roads provides key views down the streets.
8. The appeal site, being located at the end of one of these long straight streets, occupies a prominent location within this part of the CA and provides a gateway view into the Old Town Quarter from the busy highway of Cavendish Street and the larger, more modern, commercial buildings to the south and west. The appeal site therefore makes an important contribution to the character and appearance of the CA.
9. The proposal seeks to replace the existing advertisement hoarding with a digital advertisement of the same size. The appellant contends that the digital screen would look very similar to the existing hoarding and has drawn my attention to an appeal decision¹ in Manchester where the Inspector found the quality of the images would adequately mimic a traditional externally illuminated poster board.
10. Even if I accept and agree with that finding, the proposed digital display would frequently change and this would unduly draw the eye, particularly at this prominent location within the CA and close to a busy road (A627). As such, the digitised nature of the proposed advertisement, along with its changing images, would be a more visually strident and intrusive feature within the street scene in comparison to the existing hoarding. In this context the existing advertisement is therefore a matter of limited weight in my consideration of the impact of the proposal on visual amenity.
11. Furthermore, while it is proposed that the screen would have a luminance of 150cd/m² at night, as a result of the changing images it would still be a dominant, highly obvious and visually intrusive feature in the area, particularly during hours of darkness or on overcast days. Limiting the hours of operation to prevent the digital advert from operating between 24:00 – 06:00 would reduce this harm, but it would not alleviate it.
12. Overall, the lack of comparable adverts, or other digital adverts, in the surrounding area means that the proposal would appear incongruous and out of keeping with the surroundings. The proposed digital advertisement would therefore fail to assimilate into its surroundings and I conclude that it would unacceptably harm the visual

¹ APP/B4215/Z/22/3303626

amenity of the area. It would also not preserve or enhance the character or appearance of the CA.

13. I therefore find that the proposal would lead to less than substantial harm to the significance of the CA. Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
14. In terms of the benefits, the digital advertisement would allow up to six adverts to be displayed each minute, increasing efficiency in comparison to the existing hoarding and therefore potentially decreasing the number of advertisement sites needed across a wider area. However, there is no information or mechanism before me which would secure the removal of other existing adverts elsewhere if this appeal was allowed. This therefore limits the weight I attribute this matter as a public benefit.
15. Consequently, I determine that the public benefits do not outweigh the great weight I must attach to the asset's conservation.
16. I have taken into account the provisions of the development plan so far as they are material in respect of visual amenity. Policy C4 of the Tameside Unitary Development Plan (2004) (UDP) seeks to ensure that when considering advertisements within conservation areas regard is had to the desirability of preserving or enhancing the character or appearance of the area, and that proposals make a positive contribution to the context in which they are set. As I have concluded that the proposed advertisement would harm visual amenity, and would not preserve or enhance the character or appearance of the CA, the appeal proposal conflicts with this policy. The proposal would also fail to satisfy the requirements of the Act and the relevant sections of the Framework.

Residential amenity

17. The proposed advertisement would be positioned close to first-floor windows in the side elevation of the property at No. 227 Stamford Street Central (No. 227). According to the submitted evidence this neighbouring property has a residential use as a House in Multiple Occupation.
18. I acknowledge the presence of the existing advertisement hoarding's proximity to these windows, and that the proposed screen would be set at an oblique angle. Nevertheless, because of the combination of its illumination and regularly changing images, the proposed digital advertisement would be a significantly more distracting and intrusive feature for the occupants of the rooms that are served by these windows than the existing hoarding.
19. Again, the reduced luminance levels at night and switching off the advert between 24:00 – 06:00 would reduce the impact, however they would not fully overcome the harm I have identified.
20. I therefore conclude that the proposal would be harmful to the living conditions of the occupiers of the rooms served by the windows in the side elevation of No. 227, particularly the central and rear most windows in this side elevation. In coming to my conclusion, I have taken into consideration paragraph 141 of the Framework in so far as it is material in respect of its aim of protecting places from poorly sited advertisements and controlling advertisements in the interests of amenity.

Highway and public safety

21. The appeal site is adjacent to the A627, just beyond the priority-controlled junction where Stamford Street Central joins this highway and before the signal-controlled interchange with Park Parade (A635). I monitored that given the location of the site on the edge of Ashton Town Centre, this section of the A627 was subject to a steady flow of traffic.
22. The proposed advertisement would face northwest and thus it would be visible to traffic travelling south along the A627, as well as from vehicles at the point where they join the A627 from Stamford Street Central. To the north of the appeal site the A627 consists of two lanes and includes a signal-controlled pedestrian crossing. During my site visit I observed pedestrians frequently using this crossing, both in respect of pedestrians that waited for the crossing lights to turn red before crossing, and those who crossed when the lights were still green, but cars were a safe distance away.
23. Directly to the south of this pedestrian crossing is the junction where vehicles from Stamford Street Central join the A627 via two lanes. Whilst vehicles on the A627 have priority at this junction, drivers still need to pay some attention to these approaching or waiting vehicles. Immediately after this junction the A627 increases from two lanes to three lanes, shortly before the signal-controlled junction with the A635.
24. As such, within a short space of time and distance, drivers on the A627 need to pay attention to the lights and users of the signal-controlled pedestrian crossing; vehicles potentially joining from Stamford Street Central; ensure they manoeuvre into the correct lane whilst having regard to other vehicles potentially changing lanes; as well as observing the traffic lights at the A635 junction. Therefore, I find the demands upon a driver's concentration along this part of the A627 to be high, particularly if they are unfamiliar with the area and road layout.
25. I observed that upon approach the existing advertisement hoarding on the site is partially screened by the corner property at No. 227. However, the hoarding comes into the view of drivers on the A627 shortly before they reach the pedestrian crossing. Being a direct replacement, the proposed digital advert would be visible from the same point and when the image on the digital display rotates it would inevitably add to the demand on drivers' attention as they navigate this section of the highway.
26. The proposed advertisement has been designed to accord with best industry practice and technology would be used to control the luminance level, the transition of images and that no moving images would be utilised. Planning conditions could be imposed to control these matters. Nevertheless, for the reasons mentioned earlier in this decision, the proposed digital advertisement would represent a more strident feature in comparison to the existing advertisement hoarding.
27. Furthermore, the periodic changing of the images on rotation, regardless of how quickly this rotation takes place, would be noticeable and likely distract drivers at a point where their attention is important due to the nature of the above identified highway surroundings. Switching off the advertisement between the hours of 24:00 – 06:00 would not prevent this distraction during the daytime, when traffic levels, and pedestrian usage of the crossing, are likely to be higher.
28. As such, and even accepting that a passing driver may not experience more than a single image change, there is potential for drivers to focus on the proposed advert, or

be distracted by it, at a critical period. Especially when it first comes into view shortly before reaching the pedestrian crossing. The proposed digital display could therefore result in, or contribute to, a lapse in driver concentration or driver error which would pose a threat to their own safety and that of other road users, including pedestrians.

29. In coming to this view, I accept there are factors which assist with road safety in this predominantly commercial locality. These include the well-lit, relatively straight and flat nature of the highway. I also note that the proposed advert would not block any views of traffic signals and lights. Nonetheless, for the reasons given, the combination of the proposed design and changing imagery of the advertisement, alongside its siting at a location where drivers need to concentrate on a number of factors, leads me to conclude that the proposal would have an unacceptable impact upon public safety.
30. I have taken account of the existing advertisement hoarding at the appeal site in reaching my conclusion. However, for the reasons given, the visual effects, and in particular the changing images on the proposed advertisement, differs from those currently provided by the existing hoarding. The existing hoarding does not therefore share the same stridency or potential to draw a driver's attention as the proposal. The presence of the existing advertisement is therefore of limited weight in my determination on this main issue.
31. The appellant has drawn my attention to the road safety record during the three-year period between 2020-2022, which identified one accident in a position from which the proposed advert would be visible. However, this information provides evidence in respect of the road network as it currently exists, without the proposal. As such, the recent road safety record does not demonstrate that the proposed digital advertisement display would be safe.
32. The appellant has also referred to case studies² within the UK where road safety records were examined before and after similar digital advertisements were installed. The appellant contends that the analysis of these case studies demonstrates that the installation of digital advertisements resulted in no discernible impact on road safety.
33. Whilst I acknowledge the findings of these case studies, my concerns relating to public safety arise from the specific circumstances that relate to the appeal site and its surroundings. I have no substantive evidence that the cited case studies are directly comparable to the circumstances surrounding the appeal scheme. This therefore limits the weight I can attribute them in my determination of this appeal.
34. In view of the above, I conclude that the proposed digital advertisement would be harmful to public safety as it relates to highway safety. In coming to my conclusion, I have taken into consideration paragraph 141 of the Framework in so far as it is material in respect of its aim of protecting places from poorly sited advertisements and controlling advertisements in the interests of public safety.

Other Matters

35. I have given due consideration to the express consent³ which has previously been approved for a digital display at the appeal site, albeit in a slightly different position. However, there is common ground between the parties that this express consent

² Paisley Road, Glasgow; Station Street, Portsmouth; St Philips Causeway, Bristol; Mancunian Way / Princess Road Roundabout, Manchester; and Mancunian Way / Chester Road Roundabout, Manchester.

³ LPA ref: 17/0100/ADV

application has expired and can no longer be implemented. As such, this previous express consent does not represent a viable fallback position for the appellant.

36. Furthermore, whilst I am not in any case bound by a previous decision made by the Council, the approval of the application⁴ for change of use of the adjacent property at No. 227 from a shop to a HMO represents a significant material change in circumstances since the previous express consent application was determined. As such, the expired express consent is a matter which carries limited weight in favour of the current proposal.
37. The appellant has cited examples⁵ where express consent has been granted by the Council for digital advertisements elsewhere. I have limited information before me on the precise nature of these sites or their surroundings and as mentioned above I am not bound by any previous decisions made by the Council. Moreover, appeal decisions are dependent on the site-specific circumstances, and I have therefore drawn my own conclusions on the appeal proposal having regard to the evidence before me and my observations on site. Consequently, I attribute the examples provided by the appellant limited weight in my determination of the appeal scheme.

Conclusion

38. For the reasons given above, and having had regard to all other matters raised, I conclude that the proposed advertisement would harm both amenity and public safety. Consequently, the appeal should be dismissed.

R Major

INSPECTOR

⁴ LPA ref: 20/00262/FUL

⁵ LPA refs – 21/00226/ADV; 20/00782/ADV and 21/01372/ADV